

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7527 of 2018

Pradeep Kumar Izardar S/o Shri Poonam Chand Izardar, Aged About 27 Years, R/o Vinoba Nagar, Ward No. 25, Raigarh, Police Station- Chakradhar Nagar, Tahsil And District- Raigarh, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Home/ Police, Mahanadi Bhawan, Mantralaya, Police Station And Post Office- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Assistant Director General Of Police (A.D.G.P.), Through Chhattisgarh Armed Force (C.A.F.), Police Head Quarter (P.H.Q.), Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Commandant Through 14th Battalion, Chhattisgarh Armed Force (C.A.F.), Police Head Quarter (P.H.Q.), Balod, District- Balod, Chhattisgarh.

---Respondents

For petitioner	:	Shri Abhishek Pandey and Shri Santosh Kumar Pandey, Advocates.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/11/2018

1. The grievance of the petitioner in the instant Writ Petition is that, though he has an order of transfer in his favour dated 07/09/2018 whereby the services of the petitioner has been transferred from 14th Battalion, District Balod to 6th Battalion, District Raigarh, he has not been relieved till date.
2. The relief sought for by the petitioner is for issuance of suitable direction to the respondents for early relieving of the petitioner.

3. The State counsel submits that, the non-relieving of the petitioner could be on account of the forthcoming assembly elections which are undergoing in the State of Chhattisgarh and that the model code of conduct also is in operation and therefore the respondents may find it difficult in relieving the petitioner as of now.

4. The issue regarding implementation of transfer order has been considered by this Court in the case of Manisha Agrawal v. State of Chhattisgarh & Ors. [2015 4 CGLJ 182] wherein relying upon several judgments of the Hon'ble Supreme Court, it has been held by this Court that once the employee has been transferred, it is required to be complied with unless it is modified, varied or cancelled.

5. In the given facts and circumstances of the case, since according to the petitioner, the order of transfer dated 07/09/2018 has not been modified, varied or cancelled, neither has it been amended so far as the petitioner is concerned, the Writ Petition is disposed off with a direction that in the event if the order of transfer is still in operation, the respondent authorities shall immediately on the completion of the period of code of conduct i.e. after the election duties are over, the petitioner be relieved for joining at his transferred place.

6. It is made clear that, if any administrative exigency impeads the petitioner's relieving, he shall be informed in writing in this regard.

7. It would also remain open to the respondents to re-consider the issue of transfer on account of any administrative exigency if any.

8. With the aforesaid observations, the Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit